1 The Honorable Robert S. Lasnik 2 3 4 5 6 UNITED STATES DISTRICT COURT FOR THE 7 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 8 LISA C. NEAL, an individual, No. 3:20-cv-06025 9 Plaintiff. PROPOSED ORDER GRANTING 10 v. DEFENDANT CITY OF BAINBRIDGE ISLAND'S MOTION TO DISMISS 11 CITY OF BAINBRIDGE ISLAND, PLAINTIFF'S CLAIMS OR, IN THE 12 ALTERNATIVE, BIFURCATION OF Defendant. PRA CLAIMS 13 14 This matter having come before the Court on Defendant City of Bainbridge Island's 15 Motion to Dismiss Plaintiff's Claims or, in the Alternative, Summary Judgment, or 16 Bifurcation and Remand of PRA Claims, and the Court having considered the Motion and 17 argument, and the following pleadings: 18 1. Pleadings filed in this matter, Cause No. 3:20-cv-06025; 19 2. Defendant City of Bainbridge Island' Motion to Dismiss Plaintiff's Claims or, 20 in the Alternative, Bifurcation of PRA Claims, including the following documents referred 21 to and relied on in Plaintiff's Amended Complaint, Dkt. 3: 22 **APPENDIX A:** City of Bainbridge Island Ordinance No. 2019-1, amending BIMC 23 2.16.210E.1 (effective Jan. 16, 2019); BIMC 2.16.210. 24 **APPENDIX B**: Video Excerpt of August 14, 2018 City of Bainbridge Island City 25 Council Meeting, time stamp 4:05:46 to 4:21:51; 26 KEATING, BUCKLIN & MCCORMACK, INC., P.S. 27 PROPOSED ORDER GRANTING DEFENDANT CITY OF

BAINBRIDGE ISLAND'S MOTION TO DISMISS PLAINTIFF'S CLAIMS OR, IN THE ALTERNATIVE, BIFURCATION OF PRA CLAIMS - 1 3:20-cv-06025

ATTORNEYS AT LAW 801 SECOND AVENUE, SUITE 1210 SEATTLE, WASHINGTON 98104 PHONE: (206) 623-8861 FAX: (206) 223-9423

1	APPENDIX C: Excerpts of Public Records Requests, responses and related
2	communication between Plaintiff and the City referenced regarding Plaintiff's PRA claim.
3	3. Plaintiff's Opposition to Defendant City of Bainbridge Island' Motion to
4	Dismiss Plaintiff's Claims or, in the Alternative, Bifurcation of PRA Claims (if any);
5	4. Defendant's Reply to Plaintiff's Opposition to Defendant City of Bainbridge
6	Island' Motion to Dismiss Plaintiff's Claims or, in the Alternative, Bifurcation of PRA Claims
7	(if any);
8	5
9	6; and
10	7
11	And this Court finding itself fully informed, hereby GRANTS Defendant City of
12	Bainbridge Island' Motion to Dismiss Plaintiff's Claims or, in the Alternative, Bifurcation or
13	PRA Claims and ORDERS the following claims be dismissed on procedural and/or
14	substantive grounds:
15	Plaintiff's Complaint is dismissed as a matter of law for failure to effect
16	service and properly invoke jurisdiction of this court
17	The Court further <b>ORDERS</b> the following claims are dismissed as a matter of law
18	pursuant to Fed.R.Civ.P. 12(b)(6) for failure to state a claim for which relief can be granted
19	□ 42 U.S.C. 1983 claim based on First Amendment, Dkt. 3, ¶¶ 4.2-4.8;
20	□ Defamation, Dkt. 3, ¶¶5.2-5.6
21	□ Defamation per se, RCW 7.96.040, Dkt. 3, ¶5.7
22	□ Negligent Infliction of Emotional Distress, Dkt. 3, ¶ ¶6.2-6.3
23	☐ Intentional Infliction of Emotional Distress Dkt. 3, ¶¶6.2-6.3
24	□ ANTI-SLAPP, RCW 4.24.510 Dkt. 3, ¶¶8.2-8.4
25	□ Violation of Public Records Act, RCW Ch. 42.56, Dkt. 3, ¶¶7.2-7.8
26	In the alternative, regarding Plaintiff's claims based on the Public Records Act, RCW
27	PRODOSED ODDER GRANTING DEFENDANT CITY OF KEATING, BUCKLIN & MCCORMACK, INC., P

PROPOSED ORDER GRANTING DEFENDANT CITY OF BAINBRIDGE ISLAND'S MOTION TO DISMISS PLAINTIFF'S CLAIMS OR, IN THE ALTERNATIVE, BIFURCATION OF PRA CLAIMS - 2 3:20-cv-06025

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1	Ch. 42.56, Dkt. 3, ¶¶7.2-7.8, the Court:
2	□ Declines to exercise supplemental jurisdiction over these State law claims and
3	therefore dismisses them without prejudice to re-file in State court;
4	□ Orders these claims bifurcated from Plaintiff's remaining claims to proceed as a
5	non-jury action.
6	DONE BY OBEN GOVERN THE THE
7	DONE IN OPEN COURT THIS DAY OF, 2021.
8	
9	The Honorable Robert S. Lasnik
0	Presented by:
1	KEATING BUCKLIN & MCCORMACK, INC., P.S.
12	REATTING BOOKERY & WECORUM TOR, II VO., 1.5.
13	By: /s/ Jayne L. Freeman
4	Jayne L. Freeman, WSBA #24318
5	Audrey M. Airut Murphy, WSBA #56833 Attorneys for Defendant City of Bainbridge Island
16	801 Second Avenue, Suite 1210
17	Seattle, WA 98104 Phone: (206) 623-8861
8	Fax: (206) 223-9423 Email: <u>ifreeman@kbmlawyers.com</u>
9	Eman. <u>Inceman@komawyers.com</u>
20	By: <u>/s/ Kari I. Lester</u>
21	Kari I. Lester, WSBA #28396 Attorney for Defendant City of Bainbridge Island
22	901 Fifth Avenue, Suite 3500
23	Seattle, Washington 98164-2008
24	Telephone: 206.447.7000 Fax: 206.447.0215
25	E-mail: klester@omwlaw.com
26	KEATING, BUCKLIN & MCCORMACK, INC., P.5
27	PROPOSED ORDER GRANTING DEFENDANT CITY OF  BAINBRIDGE ISLAND'S MOTION TO DISMISS PLAINTIFF'S  CLAIMS OR, IN THE ALTERNATIVE, BIFURCATION OF PRA  REATING, BUCKLING WE MICCOLAWACK, INC., I

CLAIMS - 3 3:20-cv-06025 ATTORNEYS AT LAW 801 SECOND AVENUE, SUITE 1210 SEATTLE, WASHINGTON 98104 PHONE: (206) 623-8861 FAX: (206) 223-9423